

Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 23, 2005

CENAO-TS-REG
05-R0715

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Angler Broadlands, L.L.C.
Mr. Barry Avery
170 West Shirley Ave., Suite 201
Warrenton, Virginia 20186

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Jonas Run and unnamed tributaries to Jonas Run. The approximately 390-acre project site is composed of 8 individual parcels and is located north of the Town of Culpeper and border by Rixeyville Road (Route 229) to the west and Chestnut Fork Road (Route 685) to the North in Culpeper County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to complete Phase II of the North Ridge project by constructing a single-family residential community and a commercial development. Temporary impacts associated with the Phase II residential community and commercial development consist of 0.25 acre of palustrine scrub-shrub wetland, 0.31 acre of palustrine emergent wetland, 0.01 acre (53 linear feet) of intermittent stream channel and 0.03 acre (155 linear feet) of perennial stream channel. Permanent impacts include: 0.63 acre palustrine forested wetland, 0.55 acre palustrine scrub-shrub wetland, 0.85 acre palustrine emergent wetland, 0.10 acre of open water, 0.18 acre (697 linear feet) of intermittent stream channel and 0.03 acre (83 linear feet) of perennial stream channel. In addition, 0.67 acre of palustrine forested wetlands will be permanently converted to palustrine emergent wetlands. To compensate for permanent and conversion impacts to wetlands, the applicant proposes to purchase 3.61 wetland credits from the Blackjack Wetlands Mitigation Bank. For the 0.10 acre open water impacts, the applicant proposes on-site creation of 0.10 acre open water. For permanent impacts to the perennial and intermittent stream channel, the applicant proposes on-site stream buffer restoration and channel restoration along 807 linear feet. The North Ridge, Phase I project and mitigation has already been permitted under COE #04-R1973. Permanent impacts associated with Phase I included 0.14 acre of palustrine forested wetland, 0.21 acre of palustrine emergent wetland and 0.22 acre (1,373 linear feet) of intermittent stream channel. In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) This project could potentially have an effect on historical resources. The COE is in the process of coordinating with the Virginia Department of Historic Resources. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: Ms. Anna Oliver), Warrenton Field Office, PO Box 911, Warrenton, Virginia 20188, and should be received by the close of business on April 21, 2005.

If you have any questions about this project or the permit process, please call:
Ms. Anna Oliver at (540) 428-2864

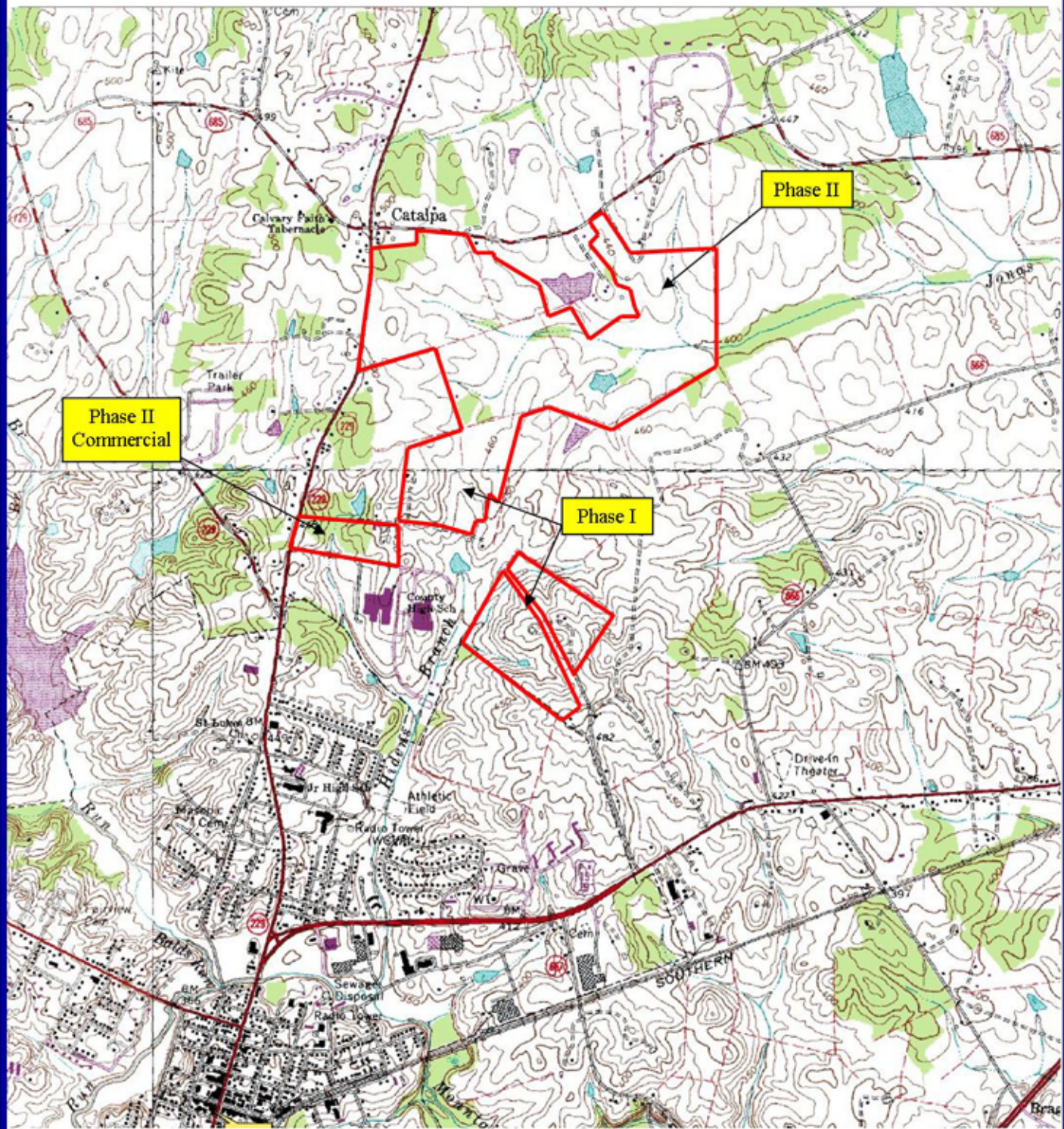
FOR THE DISTRICT ENGINEER:

Bruce F. Williams
Chief, Northern Virginia
Regulatory Section

Attachment: Drawings

PROJECT LOCATION MAP

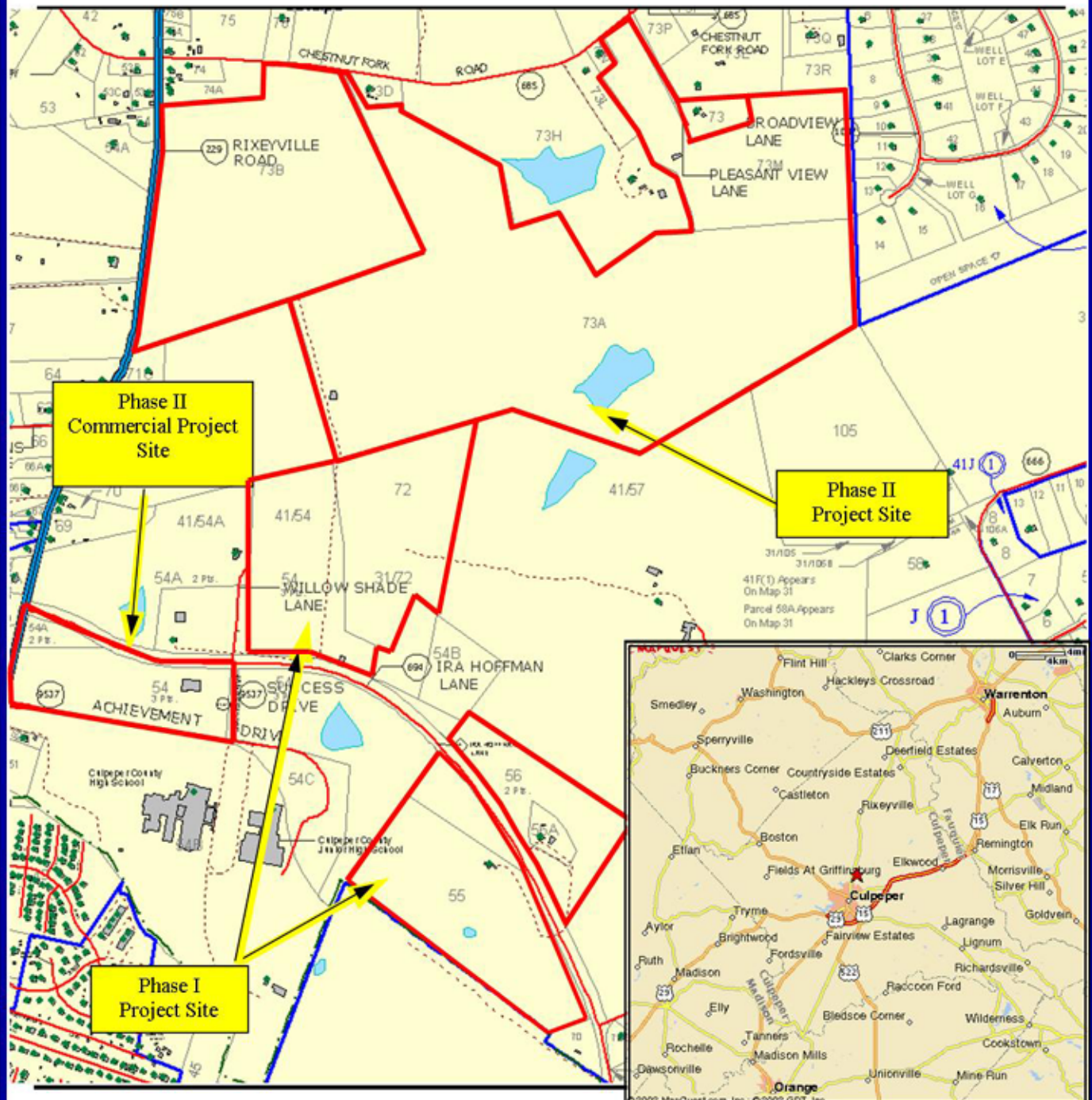
NORTH RIDGE



Scale: 1" = 2000'
 USGS Topo 1. Brandy Station (top)
 Quad Maps: 2. Culpeper East (bottom)
 Latitude= N38° 30' 03"
 Longitude= W77° 58' 51"
 Elevation= Approximately 420-500 msl

PROJECT VICINITY MAP

NORTH RIDGE



This 390-acre site is made up of eight (8) individual parcels located north of Culpeper, VA and bordered by Rixeyville Rd (St Rte 229) to the west and Chestnut Fork Rd (St Rd 685) to the north.

